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EXAMINER	
HASHEM, LISA	
ART UNIT	**PAPER NUMBER**
2645	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/024,982	NELSON ET AL.	
	Examiner	Art Unit	
	Lisa Hashem	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 36 recites the limitation "said audio input". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 35, 37, 38, and 40 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,850,604 by Cannell et al, hereinafter Cannell.

Regarding claim 35, Cannell discloses a method for a user or called party to communicate with a plurality of recipients over a plurality of channels (see Abstract; Fig. 2), comprising steps of: (a) communicating over a first channel with a first recipient (active call on first phone) (Fig. 2, 203); (b) receiving an indication over a second channel of a second recipient (via Call Waiting and Caller ID) (Fig. 2, 209; col. 4, lines 50-60; col. 4, line 66 – col. 5, line 10); (c) selecting a channel (a calling phone) for generating an audible utterance (col. 5, lines 11-21); (d) selecting a phrase representation or data message (Example: 'Called party will call back

when returning home') (col. 5, lines 22-40); and (e) generating an audible utterance only over said selected channel while communicating over the first channel concurrently (col. 5, line 56 - col. 6, line 16).

Regarding claim 37, the method of claim 35, wherein Cannell further discloses including the step of: obtaining an internal representation (prerecorded data message) of a phrase element associated with said selected phrase representation (col. 5, lines 11-34).

Regarding claim 38, the method of claim 35, wherein Cannell does not disclose said step of selecting a channel for generating an audible utterance includes the steps of: accessing a channel representation and selecting a channel representation (by dialing the code *99 to select the calling phone to receive a data message) (col. 5, lines 11-21).

Regarding claim 40, the method of claim 35, wherein Cannell further discloses said step of selecting a phrase for generating an audible utterance includes the steps of: accessing a phrase representation; and, selecting a phrase representation (col. 5, lines 11-34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannell, in view of U.S. Patent No. 6,366,578 by Johnson.

Regarding claim 1, Cannell discloses a method for a user or called party to communicate over multiple channels (see Abstract; see Fig. 2), comprising steps of: (a) communicating over a

first channel (active call on first phone) (Fig. 2, 203); and (b) initiating a new communication (Fig. 2, 211), by performing the following steps: (1) selecting a second channel (a calling phone) (col. 5, lines 11-21); (2) selecting a phrase or data message (Example: 'Called party will call back when returning home') (col. 5, lines 22-40); (3) generating an audible utterance representative of the selected phrase (via a text-to-speech converter; wherein the calling phone is not data capable); and (4) providing the audible utterance over the selected second channel only while communicating over the first channel concurrently (col. 5, line 56 - col. 6, line 16).

Cannell does not disclose a method comprising: initiating a new communication, which is not necessarily responding to an incoming communication.

Johnson discloses a method for a user or office attendant-type program user to communicate over multiple channels (see Fig. 8A: Lines 1-5), comprising steps of: (a) communicating over a first channel (wherein the office attendant-type program receives an incoming call for a particular user, Mike; Fig. 9B); (b) initiating a new communication, which is not necessarily responding to an incoming communication (an office attendant-type program user sending a Net Message to called party Mike; Fig. 10A; col. 28, lines 18-57), by performing the following steps: (1) selecting a second channel (sending a Net Message to Mike; Fig. 10A); (2) selecting a phrase (col. 28, lines 18-57); (3) generating a net message of the selected phrase; and (4) providing the net message over the selected second channel only while the first channel is on hold concurrently (col. 26, lines 27-39; see Fig. 10B; col. 28, line 59 – col. 29, line 7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Cannell to include initiating a new communication, which is not necessarily responding to an incoming communication as taught by Johnson. One of

ordinary skill in the art would have been lead to make such a modification since an office attendant-type program user can initiate a new communication on a selected channel in order to advise a called party (Mike) of an incoming call when the called party's line is busy.

Regarding claim 2, the method of claim 1, wherein Cannell further discloses the step of selecting a second channel further includes providing the audible utterance over the selected second channel (col. 5, lines 11-21; col. 6, lines 4-16).

Cannell does not disclose selecting a second channel further includes selecting a plurality of channels.

Johnson discloses a selecting a second channel further includes selecting a plurality of channels, wherein the office attendant-type program user sets up a conference call with various users (Fig. 11A-11E; col. 30, line 1 – col. 31, line 26).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Cannell to include selecting a second channel further includes selecting a plurality of channels as taught by Johnson. One of ordinary skill in the art would have been lead to make such a modification since more than one recipient on a plurality of channels can receive a message from the user.

Regarding claim 3, the method of claim 1, wherein Cannell further discloses the step of generating an audible utterance includes the step of obtaining an internal representation of a phrase element (data message that is text) associated with the selected phrase and generating an audible utterance based on the internal phrase element (via the text-to-speech converter) (col. 3, lines 16-27; col. 6, lines 4-16).

Regarding claim 4, the method of claim 1, wherein Johnson further discloses the step of selecting a second channel includes selecting a graphical representation of said second channel using a graphical user interface (Fig. 9A and Fig. 9B).

Regarding claim 5, the method of claim 1, wherein Johnson further discloses the step of selecting a phrase includes selecting a graphical representation of said phrase using a graphical user interface (Fig. 10A; col. 28, lines 18-57).

Regarding claim 6, the method of claim 5, wherein Johnson further discloses the graphical representation of said phrase is selected from a group consisting of an icon, a symbol, a figure, a graph, a checkbox, a GUI widget, a graphics button, and a pulldown menu button (Fig. 10A; col. 28, lines 18-57).

Regarding claim 7, the method of claim 1, wherein Johnson further discloses said internal representation of said selected phrase is obtained from a host computer (wherein the office attendant-type program is located on a host computer) (col. 19, lines 26-30; Fig. 8A and Fig. 10A; col. 28, lines 18-57).

Regarding claim 8, the method of claim 1, wherein Cannell further discloses the step generating an audible utterance includes text-to-speech processing (col. 3, lines 16-27; col. 6, lines 4-16).

7. Claims 9, 10, 12, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Cannell.

Regarding claim 9, Johnson discloses a multi-channel telecommunication system (see Fig. 8A: Lines 1-5; Fig. 9A), inherently comprising: (a) an audio input or telephone (col. 17, line 48 – col. 18, line 36); (b) a channel representation (Fig. 9A and Fig. 9B); (c) a phrase

representation (Fig. 10A; col. 28, lines 18-57); (d) a display capable of displaying a channel representation and a phrase representation (Fig. 8A; Fig. 9A, Fig 10A); (e) a memory or computer (Fig. 2, 24) for storing the channel representation, phrase representation, and phrase element associated with the phrase representation, wherein the phrase element has an internal representation of a text message (col. 17, line 48 – col. 18, line 36); (f) a processor or office attendant-type program, coupled to the audio input, display, and memory, wherein the processor initiates a first control signal and a second control signal not necessarily in response to an incoming communication (an office attendant-type program user sending a Net Message to called party Mike; Fig. 10A; col. 28, lines 18-57); and (g) a text generator (utilizing Net Messaging), coupled to the processor and memory, wherein the text generator generates a text responsive to the first control signal and the phrase element (col. 22, lines 38-44); and, (h) a channel selector, coupled to the processor and text generator, wherein the channel selector selects a channel responsive to the second control signal and provides the text message over the selected channel only while communicating over another channel concurrently (col. 26, lines 16-26).

Johnson does not disclose a multi-channel telecommunication system (Fig. 1, 100), comprising: the phrase element has an internal representation of an audible utterance and an audio generator.

Cannell discloses a multi-channel telecommunication system (see Abstract; col. 2, lines 60-67; Fig. 1;), inherently comprising: (a) an audio input or telephone (col. 2, lines 60-67); (b) a phrase representation or data message (col. 3, lines 16-27; col. 5, lines 11-34); (c) a display or interface capable of displaying a representation (col. 3, lines 36-41); (d) a memory for storing the

phrase representation and phrase element associated with the phrase representation, wherein the phrase element has an internal representation of text message (Example: 'Called party will call back when returning home') (col. 5, lines 22-40); (e) a processor or server (Fig. 1, 103), inherently coupled to the audio input, display, and memory, wherein the processor initiates a first control signal and a second control signal responsive to an incoming communication; and (f) an audio generator (text-to-speech convertor), coupled to the processor and memory, wherein the audio generator generates an audible utterance responsive to the first control signal and the phrase element (col. 3, lines 16-27; col. 6, lines 4-16); and, (g) a channel selector (inherent in the communication system), coupled to the processor and audio generator, wherein the channel selector selects a channel responsive to the second control signal and provides the audio message over the selected channel only while communicating over another channel concurrently (col. 5, lines 11-34; col. 5, line 42 – col. 6, line 16).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Johnson to include an audio generator and provide an audible utterance over the selected channel as taught by Cannell. One of ordinary skill in the art would have been lead to make such a modification since an audio generator generates an audible utterance associated with a phrase representation to be sent on a selected channel.

Regarding claim 10, the multi-channel telecommunication system of claim 9, wherein Cannell further discloses said multi-channel telecommunication system is a telephone, wherein the telephone is coupled to different entities to make up the multi-channel telecommunication system (Fig. 1, 100; col. 2, line 40 – col. 3, line 56).

Regarding claim 12, the multi-channel telecommunication system of claim 9, wherein Johnson further discloses the phrase representation and channel representation are displayed in a graphic user interface (GUI) (Fig. 9A and Fig. 10A).

Regarding claim 14, the multi-channel telecommunication system of claim 9, wherein Johnson further discloses the channel representation is selected from a group consisting of a text and a label (Fig. 10A; col. 28, lines 18-57).

Regarding claim 15, the multi-channel telecommunication system of claim 9, wherein Cannell further discloses the internal representation is in a format selected from a group consisting of a sound file, a record or playback, a text, and a Musical Instrument Digital Interface ("MIDI") sequence (col. 3, lines 16-27; col. 3, line 57 – col. 4, line 19).

Regarding claim 16, the multi-channel telecommunication system of claim 9, wherein Johnson further discloses the internal representation is obtained from a host computer (Fig. 2, 50) (col. 28, lines 18-57).

Regarding claim 17, the multi-channel telecommunication system of claim 9, wherein Johnson further discloses the first control signal is inherently generated in response to a user selecting the phrase representation and the second control signal is inherently generated in response to a user selecting the channel representation (col. 28, lines 18-57).

Regarding claim 18, the multi-channel telecommunication system of claim 9, wherein Johnson further discloses the phrase representation and channel representation are selected from a group consisting of a button, a switch, a barcode, a label, a glyph, and Braille (Fig. 9A and Fig. 10A; col. 28, lines 18-57).

8. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Cannell, as applied to claim 9 above, and in further view of U.S. Patent No. 5,894,504 by Alfred et al, hereinafter Alfred.

Regarding claim 11, the multi-channel telecommunication system of claim 9, wherein Johnson in view of Cannell do not disclose an audio mixer.

Alfred discloses a method for a user or called party to communicate with a plurality of recipients over a plurality of channels (see Abstract; Fig. 3), comprising steps of: (a) communicating over a first channel with a first recipient (first caller) (Fig. 3, 301); (b) receiving an indication over a second channel of a second recipient (via Call Waiting) (Fig. 3, 305; col. 3, line 36 - col. 4, line 9; col. 5, line 50 – col. 6, line 18); (c) selecting to receive advanced messaging service by dialing *33 (Fig. 3, 307); (d) the second call-in-waiting caller records a message (Fig. 3: 308, 309); and (e) audio input from said first and second channel are mixed and can be heard by the user (col. 7, lines 15-37). Wherein an audio mixer or communications switch (Fig. 1, 105), coupled to a processor or message processing system (Fig. 1, 109) and channel selector or voice messaging system (Fig. 1, 112), mixes audio received from said channel selector (col. 4, lines 10-65; col. 7, lines 15-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Johnson in view of Cannell to include an audio mixer as taught by Alfred. One of ordinary skill in the art would have been lead to make such a modification since mixed audio input can allow the user to hear the audio input from the channels simultaneously so the user can monitor more than one channel.

Regarding claim 13, the multi-channel telecommunication system of claim 9, wherein Johnson in view of Cannell do not disclose the multi-channel telecommunication system further comprises: (h) an audio monitor, coupled to the processor of channel selector, monitoring an audio level received from said channel selector.

Alfred discloses a method for a user or called party to communicate with a plurality of recipients over a plurality of channels (see Abstract; Fig. 3), comprising steps of: (a) communicating over a first channel with a first recipient (first caller) (Fig. 3, 301); (b) receiving an indication over a second channel of a second recipient (via Call Waiting) (Fig. 3, 305; col. 3, line 36 - col. 4, line 9; col. 5, line 50 – col. 6, line 18); (c) selecting to receive advanced messaging service by dialing *33 (Fig. 3, 307); (d) the second call-in-waiting caller records a message (Fig. 3: 308, 309); and (e) audio input from said first and second channel are mixed and can be heard by the user (col. 7, lines 15-37). Wherein an audio monitor or communications switch (Fig. 1, 105), coupled to a processor or message processing system (Fig. 1, 109) and channel selector or voice messaging system (Fig. 1, 112), monitoring an audio level received from said channel selector (col. 4, lines 10-65; col. 7, lines 15-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Johnson in view of Cannell to include an audio monitor as taught by Alfred. One of ordinary skill in the art would have been lead to make such a modification since mixed audio input can allow the user to hear the audio input from the channels simultaneously and the user can hear both conversations of the channels at different audio levels.

9. Claims 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannell in view of US Patent No. 6,212,401 by Ackley.

Regarding claims 19 and 21-22, Cannell discloses a system (see Abstract; Fig. 1, 100), comprising: (a) a plurality of input channels (calling phone and first phone; col. 2, lines 60-67); (b) a processing device (inherent in called phone, Fig. 1, 122) for storing an internal representation of a phrase element or data message (Example: 'Called party will call back when returning home') (col. 5, lines 22-40); and, (c) reading a first code associated with the phrase element (collecting the prerecorded data message) and reading a second code (*99) associated with at least one of the plurality of input channels (calling phone), wherein the processing device provides an audible utterance only over the channel associated with said second code in response to reading the first code and the second code while communicating over another channel concurrently (col. 5, line 56 - col. 6, line 16).

Cannell does not disclose a scanning device coupled with the processing device for reading a first and second code, wherein the scanning device is a barcode scanner or a laser scanner.

Ackley discloses a hand-held scanner or scanning device incorporated in a cellular telephone module (see Abstract). The scanning device reads data or code (col. 6, lines 19-35), wherein the scanning device is a barcode scanner (col. 4, lines 47-54). Ackley further discloses the scanning device can be a laser scanner, wherein the scanning device reads image data (col. 5, lines 4-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Cannell to include a scanning device as taught by Ackley.

One of ordinary skill in the art would have been lead to make such a modification since a scanning device could be used to scan the phrase element and channel (data), wherein a user may send an audible utterance to a selected channel.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cannell in view of Ackley, as applied to claim 19 above, and further in view of Johnson.

Regarding claim 20, the system of Claim 19, wherein Cannell in view of Ackley do not disclose the processing device includes: a channel selection device.

Johnson discloses a multi-channel telecommunication system (see Fig. 8A: Lines 1-5; Fig. 9A), inherently comprising: (a) an audio input or telephone (col. 17, line 48 – col. 18, line 36); (b) a channel representation (Fig. 9A and Fig. 9B); (c) a phrase representation (Fig. 10A; col. 28, lines 18-57); (d) a display capable of displaying a channel representation and a phrase representation (Fig. 8A; Fig. 9A, Fig 10A); (e) a memory or computer (Fig. 2, 24) for storing the channel representation, phrase representation, and phrase element associated with the phrase representation, wherein the phrase element has an internal representation of a text message (col. 17, line 48 – col. 18, line 36); (f) a processor or office attendant-type program, coupled to the audio input, display, and memory, wherein the processor initiates a first control signal and a second control signal not necessarily in response to an incoming communication (an office attendant-type program user sending a Net Message to called party Mike; Fig. 10A; col. 28, lines 18-57); and (g) a text generator (utilizing Net Messaging), coupled to the processor and memory, wherein the text generator generates a text responsive to the first control signal and the phrase element (col. 22, lines 38-44); and, (h) a channel selection device (via the office attendant-type program), coupled to the processor and text generator, wherein the device selects a channel

responsive to the second control signal and provides the text message over the selected channel only while communicating over another channel concurrently (col. 26, lines 16-26).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the device of Cannell in view of Ackley to include a channel selection device as taught by Johnson. One of ordinary skill in the art would have been lead to make such a modification since an office attendant-type program user can initiate a new communication on a selected channel out of a plurality of channels in order to advise a called party (Mike) of an incoming call when the called party's line is busy.

11. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Cannell.

Regarding claim 23, please see the rejection of the system in claim 9, to reject the general purpose computing device in claim 23 and 25, wherein Johnson discloses a general purpose computing device (Fig. 2, 24).

Regarding claim 24, the general purpose computing device of claim 23, wherein Johnson further discloses the display is a touchscreen display (Fig. 8A; col. 23, line 43 – col. 24, line 65).

Regarding claim 25, the general purpose computing device of claim 23, wherein Johnson further discloses the channel representation and phrase representation are displayed in a Graphical User Interface (GUI) (Fig. 9A and Fig. 10A).

Regarding claim 26, the general purpose computing device of claim 23, wherein Johnson further discloses the general purpose computing device is a personal digital assistant, wherein the office attendant-type program may be run remotely (col. 32, lines 8-39).

12. Claims 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Cannell.

Regarding claim 27, Johnson discloses a telecommunication infrastructure (see Fig. 2 and Abstract), comprising: (a) a first electronic device coupled to the telecommunication infrastructure over a first channel (Fig. 2, 24); (b) a second electronic device coupled to the telecommunication infrastructure over a second channel (Fig. 2, 24); (c) a third electronic device coupled to the telecommunication infrastructure (Fig. 2, 24; col. 17, line 48 – col. 18, line 36), selecting the first channel or the second channel and selecting a phrase representation not necessarily in response to an incoming communication (an office attendant-type program user sending a Net Message to called party Mike; Fig. 10A; col. 28, lines 18-57); and (d) a processing device (communications system; Fig. 2, 50; col. 7, lines 16-47) coupled to the telecommunication infrastructure, capable of storing: 1) a phrase element associated with the phrase representation (col. 28, lines 18-57); and, 2) a software program for providing a Net Message over the selected first or second channel only in response to a selected phrase representation while permitting the third electronic device to hold the communication concurrently over the unselected second or first channel (col. 26, lines 27-39; see Fig. 10B; col. 28, line 59 – col. 29, line 7).

Johnson does not disclose a processing device capable of storing: software program for providing an audible utterance over the selected first or second channel only in response to a selected phrase representation while permitting the third electronic device to communicate concurrently over the unselected second or first channel.

Cannell discloses a telecommunication infrastructure (see Fig. 1 and Abstract), comprising: (a) a first electronic device coupled to the telecommunication infrastructure over a first channel (first phone); (b) a second electronic device coupled to the telecommunication infrastructure over a second channel (Fig. 1, 121); (c) a third electronic device coupled to the telecommunication infrastructure (Fig. 1, 122), selecting the second channel and selecting a phrase representation or data message (Example: 'Called party will call back when returning home') in response to an incoming communication (col. 5, lines 22-40); and (d) a processing device (server; Fig. 1, 103) coupled to the telecommunication infrastructure, capable of storing: 1) a phrase element associated with the phrase representation ; and, 2) a software program (text-to-speech converter) for providing an audible utterance over the selected second channel only in response to a selected phrase representation while permitting the third electronic device to communicate concurrently over the unselected first channel (col. 5, line 56 - col. 6, line 16).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the telecommunications infrastructure of Johnson to include a processing device capable of storing: software program for providing an audible utterance over the selected first or second channel only in response to a selected phrase representation while permitting the third electronic device to communicate concurrently over the unselected second or first channel as taught by Cannell. One of ordinary skill in the art would have been lead to make such a modification the office attendant-type program user can send a message to the selected channel utilizing text-to-speech processing, wherein the selected channel will receive an audible utterance.

Regarding claim 28, the telecommunication infrastructure of claim 27, wherein Cannell further discloses the third electronic device generates an in-band signal in response to a phrase representation selection and a channel representation selection (col. 5, lines 11-41).

Regarding claim 29, the telecommunication infrastructure of claim 27, wherein Johnson further discloses the third electronic device generates an out-of-band signal in response to a phrase representation selection and a channel representation selection (Fig. 9A and Fig. 10A).

Regarding claim 30, the telecommunications infrastructure of claim 28, wherein Cannell further discloses the signal is a Dual-Tone Multi Frequency ("DTMF") signal (*99) (col. 5, lines 11-41).

Regarding claim 31, the telecommunications infrastructure of claim 27, wherein Johnson further discloses the phrase representation is selected from a group consisting of an icon, a symbol, a figure, a graph, a checkbox, a GUI widget and a graphics button (Fig. 10A; col. 28, line 59 – col. 29, line 7).

Regarding claim 32, the telecommunications infrastructure of claim 27, wherein Johnson further discloses the phrase representation is selected from a group consisting of a text and a label (Fig. 10A; col. 28, line 59 – col. 29, line 7).

Regarding claim 33, the telecommunication infrastructure of claim 27, wherein Johnson further discloses the processing device is a computer coupled to the Internet (Fig. 2, 50; col. 8, lines 27-45).

Regarding claim 34, the telecommunication infrastructure of claim 27, wherein Johnson further discloses the processing device is a relay between the first electronic device, the second

electronic device, and the third electronic device (see Fig. 2; col. 7, lines 16-47; col. 17, line 48 – col. 18, line 36).

13. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cannell, as applied to claim 35 above, in view of Alfred.

Regarding claim 36, the method of claim 35, wherein Cannell does not disclose audio input from said first and second channel are mixed.

Alfred discloses a method for a user or called party to communicate with a plurality of recipients over a plurality of channels (see Abstract; Fig. 3), comprising steps of: (a) communicating over a first channel with a first recipient (first caller) (Fig. 3, 301); (b) receiving an indication over a second channel of a second recipient (via Call Waiting) (Fig. 3, 305; col. 3, line 36 - col. 4, line 9; col. 5, line 50 – col. 6, line 18); (c) selecting to receive advanced messaging service by dialing *33 (Fig. 3, 307); (d) the second call-in-waiting caller records a message (Fig. 3: 308, 309); and (e) audio input from said first and second channel are mixed and can be heard by the user (col. 7, lines 15-37) .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Cannell to include mixed audio as taught by Alfred. One of ordinary skill in the art would have been lead to make such a modification since mixed audio input can allow the user to hear the audio input from the first and second channels simultaneously so the user can monitor more than one channel.

14. Claims 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannell, as applied to claims 38 and 40 above, respectively, in view of Johnson.

Regarding claim 39, the method of claim 38, wherein Cannell further discloses options

are displayed on a user interface (col. 3, lines 36-41).

Cannell does not disclose the method comprising said channel representation is displayed on a graphical user interface.

Johnson discloses a method for a user to communicate over multiple channels (see Fig. 8A: Lines 1-5), comprising steps of: (a) communicating over a first channel (wherein the office attendant-type program receives an incoming call for a particular user, Mike; Fig. 9B); (b) initiating a new communication, which is not necessarily responding to an incoming communication (an office attendant-type program user sending a Net Message to called party Mike; Fig. 10A; col. 28, lines 18-57), by performing the following steps: (1) selecting a second channel (sending a Net Message to Mike; Fig. 10A); (2) selecting a phrase (col. 28, lines 18-57); (3) generating a net message of the selected phrase; and (4) providing the net message over the selected second channel only while the first channel is on hold concurrently (col. 26, lines 27-39; see Fig. 10B; col. 28, line 59 – col. 29, line 7). Wherein Johnson further discloses said channel representation is displayed on a graphical user interface (Fig. 9A).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Cannell to include said channel representation is displayed on a graphical user interface as taught by Johnson. One of ordinary skill in the art would have been lead to make such a modification since an office attendant-type program user can initiate a new communication on a selected channel in order to advise a called party (Mike) of an incoming call when the called party's line is busy. Wherein the channel representation is displayed on a graphical user interface for the office attendant-type program user to easily view and select.

Regarding claim 41, the method of claim 40, wherein Cannell further discloses options

are displayed on a user interface (col. 3, lines 36-41).

Cannell does not disclose the method comprising said phrase representation is displayed on a graphical user interface.

Johnson discloses a method for a user to communicate over multiple channels (see Fig. 8A: Lines 1-5), comprising steps of: (a) communicating over a first channel (wherein the office attendant-type program receives an incoming call for a particular user, Mike; Fig. 9B); (b) initiating a new communication, which is not necessarily responding to an incoming communication (an office attendant-type program user sending a Net Message to called party Mike; Fig. 10A; col. 28, lines 18-57), by performing the following steps: (1) selecting a second channel (sending a Net Message to Mike; Fig. 10a); (2) selecting a phrase (col. 28, lines 18-57); (3) generating a net message of the selected phrase; and (4) providing the net message over the selected second channel only while the first channel is on hold concurrently (col. 26, lines 27-39; see Fig. 10B; col. 28, line 59 – col. 29, line 7). Wherein Johnson further discloses said phrase representation is displayed on a graphical user interface (Fig. 10A; col. 28, line 59 – col. 29, line 7).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Cannell to include said phrase representation is displayed on a graphical user interface as taught by Johnson. One of ordinary skill in the art would have been lead to make such a modification since an office attendant-type program user can initiate a new communication (Net Message) on a selected channel in order to advise a called party (Mike) of an incoming call when the called party's line is busy. Wherein the phrase representation is

displayed on a graphical user interface for the office attendant-type program user to easily view and select.

Response to Arguments

15. Applicant's arguments, see RCE, filed 1-19-2005, with respect to the rejection(s)of claim(s) 1-41 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Please see the rejections of claims 1-41 above.

16. Accordingly, this action is **NON-FINAL**.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,577,859 by Zahavi et al disclose a system which allows a cellular phone user to communicate with a calling party when the user is unable to speak aloud; wherein an audible utterance representing a phrase element is sent to a calling party
- U.S. Patent No. 6,404,860 by Casellini disclose a call management system that provides an Internet call management service that permits a subscriber to receive information about incoming calls, and provides a personal message to the caller over a voice channel
- U.S. Patent No. 6,628,767 by Wellner et al disclose participants of a conference call that can send private messages to other participants on the call
- U.S. Patent No. 4,975,498 by Andresen et al disclose a printed telephone number in standard bar code format can be dialed rapidly and accurately by scanning the number with a hand-held optical sensor or wand connected to an automatic dialing apparatus

18. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH
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March 31, 2005

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